

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 116, are respectfully requested in light of the remarks which follow.

I. Amendments to the Claims

By the foregoing claim amendments, claim 1 has been amended by deleting the recitation of "a nucleotide sequence which hybridizes under stringent conditions to a sequence of (a) or (b)."

The amendments to the claims have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments to the above-identified application are respectfully requested.

II. Response to Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-3 and 5-12 have been rejected under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement.

In particular, the Examiner has stated that the specification does not provide adequate written description support because claim 1 recites a nucleotide sequence which hybridizes under stringent conditions to a sequence of (a) or (b).

To expedite prosecution in the present application, and not to acquiesce to the Examiner's rejection, the claims have been amended, as described above, by deleting the allegedly unsupported embodiment. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

III. Response to Claim Rejections Under 35 U.S.C. § 102(a)

Claims 1-2 and 5-11 have been rejected under 35 U.S.C. § 102(a) as purportedly being anticipated by Houbavity et al. (August 2003).

It is the Examiner's position that the sequences of Houbavity et al. would read on nucleic acid sequences which hybridize to SEQ ID NOs: 1-6 and/or complements of SEQ ID NOs: 1-6.

In light of the amendments to the claims, discussed above, Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

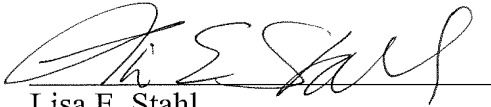
In the event that there are any questions relating to this Amendment and Reply or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 21, 2009

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